

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: LEGISLATIVE & RULES

DATE: FEBRUARY 10, 2010

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BENTLEY
THOMAS
STEC
GIRARD
SOKOL
PITKIN
MCCOY

OTHERS PRESENT:

JOAN SADY, CLERK
AMY BARTLETT, FIRST ASSISTANT COUNTY ATTORNEY
LARRY WAIMON, WARREN COUNTY RESIDENT
THOM RANDALL, *THE POST STAR*
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

Mr. Bentley called the meeting of the Legislative & Rules Committee to order at 1:06 p.m.

Motion was made by Mr. Girard, seconded by Mr. Pitkin and carried unanimously to approve the minutes from the prior Committee meeting, subject to correction by the Clerk of the Board.

Copies of the meeting agenda were distributed to the Committee members, a copy of which is also on file with the minutes.

Beginning with Agenda Item 1, Mr. Bentley announced that Larry Waimon, Warren County Resident, was in attendance to address the Committee regarding legislation to allow municipalities to retain fines for traffic violations.

Mr. Waimon began by noting that distractive driving infractions for violations, such as cellular phone usage while driving were becoming more prevalent and he felt the casualties associated with this behavior would soon exceed those associated with drunken driving accidents as a younger generation of drivers were committing a considerable number of these infractions. He stated that the only way to curb such behavior and decrease the number of distractive driving occurrences was to impose considerable fines for these infractions. Mr. Waimon apprised that currently, the entire amount received in connection with distractive driving fines were collected solely by the State of New York, with no portion paid to the County or Town in which the violation occurred, which did not encourage local officials to maintain the charge, allowing the violator to plea for a lower, less expensive infraction. He said that by lobbying the State Legislators to allow for higher fines for distractive driving infractions, as well as for an equitable split of the fines received to be retained by Warren County, they would be decreasing the number of violations and associated vehicle accidents, while generating a considerable revenue for the County.

Subsequent to further discussion, Mr. Bentley said that he was in favor of increasing fines and retaining a portion within Warren County but wondered whether they could legally impose a County surcharge for these violations. Amy Bartlett, First Assistant County Attorney, advised that she was unsure whether this could be done and said she would research the matter to make a determination; she added that a resolution of support would be necessary to begin proceedings. Mr. Stec said that while he was in favor of action at the County level, he felt distractive driving was a Nation-wide issue that should be addressed through their State Legislative representatives to liken the respective fines and punishments to those associated with drunken driving.

Motion was made by Mr. Pitkin, seconded by Mr. Stec and carried unanimously to approve a resolution supporting increased fines for distractive driving violations, as well as to seek an equitable split of those fines to be retained at the County level, and the necessary resolution was authorized for the February 19th Board meeting.

Mr. Bentley advised that Agenda Item 2 pertained to possible legislation concerning the issue of tax payment refunds for tax exempt properties and he noted that Ms. Bartlett was in attendance to address the matter. Ms. Bartlett apprised that this had arisen in connection with property taxes paid to the Town of Chester for property owned by the Word of Life organization which was later determined to be tax exempt, requiring the Town and the County to return the amount paid. She noted that the Word of Life claimed a number of tax exempt properties and the feeling had been that measures should be taken to limit this ability. Ms. Bartlett suggested the approval of a resolution that would limit the number of properties to which tax exempt status could be attached, with this number to be determined on a case by case basis. Mr. Pitkin questioned whether this resolution would simply limit the number of properties that could be claimed as tax exempt and Ms. Bartlett replied affirmatively, noting that the State currently allowed for a blanket exemption status and did not review each property to determine which were eligible.

Motion was made by Mr. McCoy, seconded by Mr. Sokol and carried unanimously to approve a resolution seeking limits to the number of tax exempt properties claimed and the necessary resolution was authorized for the February 19th Board meeting.

Continuing, Mr. Bentley addressed Agenda Item 3, which consisted of a request from Greene County to support a resolution opposing various proposed anti-gun owner legislation in New York State.

Motion was made by Mr. Stec, seconded by Mr. Girard and carried by majority vote, with Mr. Pitkin voting in opposition, to support the resolution adopted by Greene County and the necessary resolution was authorized for the February 19th Board meeting.

Mr. Pitkin advised that he had voted in opposition as he did not feel enough information was available to represent the true intent of the proposed legislation.

Mr. Bentley apprised that Agenda Item 4 included information received from Orleans County seeking support of their resolution which sought an increase in the amount of funding provided to the Office of Fire Prevention and Control by the Department of State for firefighter training.

Motion was made by Mr. McCoy, seconded by Mr. Thomas and carried unanimously to approve a resolution supporting the one adopted by Orleans County as outlined above and the necessary resolution was authorized for the February 19th Board meeting.

Moving on to Agenda Item 5, Mr. Bentley noted that the agenda included a written response from Paul Dusek, County Attorney, respective to the Education Law that allowed the State to provide funding for community colleges as they desired. He advised that this item was for informational purposes only and could be reviewed by the Committee members individually at their convenience.

Mr. Bentley stated that Agenda Item 6 consisted of a referral from the January 15th Board meeting, requesting a resolution asking the County's Federal Legislators to attempt to get Warren County included in the Northern Border Commission in order to receive the associated benefits.

Motion was made by Mr. Girard, seconded by Mr. Stec and carried unanimously to approve a resolution requesting the assistance of Federal Legislative parties in becoming qualified for the Northern Border Commission and the necessary resolution was authorized for the February 19th Board meeting.

Agenda Item 7 included a referral from the Support Services Committee concerning the New York State Vehicle and Traffic Law, Mr. Bentley advised. Mr. Stec stated that the current Law absolved municipal vehicles of any liability for accidents occurring during highway maintenance work and he felt that it should be amended to include some liability provisions for cases in which the municipal vehicles were found to be at fault.

Motion was made by Mr. Stec, seconded by Mr. McCoy and carried unanimously to approve the request for a resolution seeking amendments to the New York State Vehicle and Traffic Law as outlined above and the necessary resolution was authorized for the February 19th Board meeting.

Mr. Bentley stated that Agenda Item 8 included a copy of the resolution adopted by St. Lawrence County in support of the Governor's budget recommendation to place a moratorium on Adirondack Preserve acquisitions; he added that St. Lawrence County sought the adoption of a similar resolution by Warren County.

Motion was made by Mr. McCoy, seconded by Mr. Thomas and carried unanimously to approve a resolution in support of the Governor's budget recommendation to place a moratorium on Adirondack Preserve acquisitions and the necessary resolution was authorized for the February 19th Board meeting.

Respective to Agenda Item 9 which referred to discussion on the 911 Surcharge issue, Joan Sady, Clerk of the Board, advised that she had spoken with Bud York, Warren County Sheriff, who had indicated there was no further action that could be taken by the Legislative & Rules Committee at this time. She noted that as per Sheriff York, they had to wait to see what action would be taken by NYSAC (New York State Association of Counties) before they could proceed further. Mr. Pitkin noted that the State continued to refrain from forwarding 911 Surcharge monies to the Counties because the Federal fine was less costly than the distribution of funds received. He suggested that they petition the proper Federal entities to ask that the Federal penalties be increased to an amount equal to or higher than the amount that should be forwarded to the Counties in order to encourage the State to disperse the funds received as required by law. Mr. Pitkin added that unless the penalty statutes were changed, the State would continue to act in its own best interest by retaining all 911 Surcharge funds and paying the Federal penalty. Mr. Thomas interjected that NYSAC was very aware of the issue and were attempting to rectify the situation.

Concluding the agenda review, Mrs. Sady addressed Item 10 which pertained to the publication of Local Laws as referred from the Support Services Committee. She advised that currently, the County Law required each Local Law be printed twice in its entirety in two separate local publications upon adoption. Mrs. Sady said that she had addressed the issue with Mr. Dusek to determine whether summarized versions could be published, to which Mr. Dusek advised that they could not as the Law specifically required that the full version be printed and anything less could allow for the State to overturn the adoption of such Law. She stated that due to the length of Local Law No. 1 of 2010, she had already expended close to \$4,000 of her \$7,000 budget allotment for legal advertising and she feared that she would exceed the budgeted amount as she had no control over the length or number of local laws adopted in a given year. Mr. Bentley noted that the Towns were permitted to publish summarized versions of the local laws adopted and he suggested that the County Law be amended to match the Town Law.

Motion was made by Mr. Stec, seconded by Mr. Pitkin and carried unanimously to approve a resolution seeking amendments to the County Law which would amend the section pertaining to the publication of adopted local laws to match the verbiage of the same section of the Town Law and the necessary resolution was authorized for the February 19th Board meeting.

Mr. Thomas stated that subsequent to discussion during the Finance Committee meeting held earlier that morning regarding the Hudson River Black River Regulating District, he would propose a resolution encouraging the State

Legislators and Governor Paterson to exert New York State sovereignty over the Federal Government in matters concerning the rivers located within the State. He said that the District was established in the 1920's and had operated independently for 80 years with no issue until a Federal agency became involved with its administration and now the County was faced with a \$290,000 expense.

Ms. Bartlett noted that there were court proceedings ongoing respective to this issue and she feared that the submission of a resolution to the State Legislature might interfere with the process. She said that Mr. Dusek was much more familiar with the nature of the Court proceedings and suggested that he be consulted on the matter before a resolution was produced.

Subsequent to further discussion, motion was made by Mr. Thomas, seconded by Mr. Bentley and carried unanimously to authorize a resolution to be prepared for the February 19th Board meeting encouraging the State Legislators and Governor Paterson to exert New York State sovereignty over the Federal Government in matters concerning the rivers located within the State, pending approval by the County Attorney.

As there was no further business to come before the Legislative & Rules Committee, on motion made by Mr. Sokol and seconded by Mr. Stec, Mr. Bentley adjourned the meeting at 1:34 p.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist